

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

LD, DB, BW, RH, and CJ, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

UNITEDHEALTHCARE INSURANCE
COMPANY, a Connecticut Corporation,
UNITED BEHAVIORAL HEALTH, a
California Corporation, and MULTIPLAN,
INC., a New York Corporation,

Defendants.

Case No.: 4:20-cv-02254-YGR

**[PROPOSED] ORDER ON PARTIES'
OMNIBUS SEALING STIPULATION ON
UNDISPUTED SEALING REQUESTS**

[PROPOSED] ORDER

Pursuant to the Court's Standing Order in Civil Cases, Civil Local Rules 7-11 and 79-5, and the parties' Joint Stipulation Modifying Sealing Procedures (Dkt. 399), the Court, having considered Defendants UnitedHealthcare Insurance Company's, United Behavioral Health's, and Defendant MultiPlan, Inc. (together, "Defendants") and Plaintiffs' Omnibus Sealing Stipulation; the Declarations of Rebecca Paradise, Jeffrey Schneewind, Emily Smith, Marjorie Wilde, and Craig Caesar; and the Declarations of Non-Party Plan Sponsors Cisco Systems, Inc., Delta Air Lines, Inc., and Tesla, Inc., hereby seals portions of Plaintiffs' Renewed Motion for Class Certification (Dkt. 397-1); Defendants' Opposition to Plaintiffs' Renewed Motion for Class Certification (Dkt. 414-1); Plaintiffs' Reply in Support of their Renewed Motion for Class Certification (Dkt. 427-2); Defendants' Sur-Reply (Dkt. 435-3); and certain exhibits attached thereto and documents filed therewith. The Court also unseals certain documents, as described below.

In particular, the Court **ORDERS** as follows:

Document or Portion of Document Sought to Be Sealed	Requested Action	Ruling
Undisputed Requests to Maintain Sealing and/or Provisional Redactions		
Plaintiffs' Exhibit 28, MultiPlan Emails, MPI0016819-MPI-0016826 (Dkts. 396-30, 397-27).	Seal in full.	
Plaintiffs' Exhibit 29, Viant OPR Pricing Logic, MPI-0014879-81 (Dkts. 396-31, 397-28).	Seal in full.	
Plaintiffs' Exhibit 30, MultiPlan 2018 H0015 Emails, MPI0016580-16585 (Dkts. 396-32, 397-29).	Seal in full.	
Plaintiffs' Exhibit 31, MultiPlan Counsel Memo, MPI0014844-14854 (Dkts. 396-33, 397-30).	Seal in full.	
Plaintiffs' Exhibit 32, MultiPlan R&C Reduction Emails, MPI0015753-15755 (Dkts. 396-34, 397-31).	Seal in full.	
Plaintiffs' Exhibit 33, MultiPlan 2021 Proposed Responses, MPI0015933-15934 (Dkts. 396-35, 397-32).	Seal in full.	

Document or Portion of Document Sought to Be Sealed	Requested Action	Ruling
Plaintiffs' Exhibit 34, Draft Beckstead Declaration Draft, MPI0016593-16601 (Dkts. 396-36, 397-33).	Seal in full.	
Plaintiffs' Exhibit 35, IPR and OPR Repricing Talking Points, dated April 5, 2021, MPI0016794-16797 (Dkts. 396-37, 397-34).	Seal in full.	
Exhibit 105 to the Declaration of Geoffrey Sigler (Dkt. 408), excerpts from the certified transcript of the deposition of Jolene Bradley taken in this matter on July 6, 2022, at 7:7, 7:9, and 7:12 (Dkts. 408-5, 416-4).	Portions to redact.	
Exhibit 154 to the Declaration of Geoffrey Sigler (Dkt. 408), Summit Estate Appeal Letter, UBH000003010-13 (Dkt. 408-54).	Maintain PHI/PII redactions.	
Exhibit 191 to the Declaration of Geoffrey Sigler (Dkt. 408), excerpts from the certified transcript of the 30(b)(6) deposition of Creyna Franco taken in this matter on July 28, 2022, at 4:10, 12, 14, 16, 18; 5: 2-6 (Dkt. 408-91).	Portions to redact.	
Exhibit 194 to the Declaration of Geoffrey Sigler (Dkt. 408), spreadsheets produced by Summit Estate in response to a subpoena from United Defendants as SUMMIT 07036 and introduced as Exhibit 8 to the deposition of Summit Estate (Creyna Franco) taken in this matter on June 28, 2022 (Dkts. 408-94, 403).	Seal in full.	
Exhibit 196 to the Declaration of Geoffrey Sigler (Dkt. 408), spreadsheets produced by Summit Estate in response to a subpoena from United Defendants in this action as SUMMIT 07037 (Dkts. 408-96, 403).	Seal in full.	
Exhibit 198 to the Declaration of Geoffrey Sigler (Dkt. 408), spreadsheets produced by Summit Estate in response to a subpoena from United Defendants in this action as SUMMIT 07038 (Dkts. 408-98, 403).	Seal in full.	

Document or Portion of Document Sought to Be Sealed	Requested Action	Ruling
Exhibit 200 to the Declaration of Geoffrey Sigler (Dkt. 408), spreadsheets produced by Summit Estate in response to a subpoena from United Defendants in this action as SUMMIT 07039 (Dkts. 408-100, 403).	Seal in full.	
Exhibit 202 to the Declaration of Geoffrey Sigler (Dkt. 408), spreadsheets produced by Summit Estate in response to a subpoena from United Defendants in this action as SUMMIT 07040 (Dkts. 408-102, 403).	Seal in full.	
Exhibit 205 to the Declaration of Geoffrey Sigler (Dkt. 408), spreadsheets produced by Summit Estate in response to a subpoena from United Defendants as SUMMIT 7077 and introduced as Exhibit 35 to the deposition of Joan Borsten taken in this matter on July 28, 2022 (Dkts. 408-105, 403).	Seal in full.	
Exhibit 206 to the Declaration of Geoffrey Sigler (Dkt. 408), spreadsheets produced by Summit Estate in response to a subpoena from United Defendants as SUMMIT 7078 and introduced as Exhibit 36 to the deposition of Joan Borsten taken in this matter on July 28, 2022 (Dkts. 408-106, 403).	Seal in full.	
Exhibit 207 to the Declaration of Geoffrey Sigler (Dkt. 408), spreadsheets produced by Summit Estate in response to a subpoena from United Defendants in this action as SUMMIT 7079 and introduced as Exhibit 37 to the deposition of Joan Borsten taken in this matter on July 28, 2022 (Dkts. 408-107, 403).	Seal in full.	
Exhibit 208 to the Declaration of Geoffrey Sigler (Dkt. 408), spreadsheets produced by Summit Estate in response to a subpoena from United Defendants as SUMMIT 7080 and introduced as Exhibit 38 to the deposition of Joan Borsten taken in this matter on July 28, 2022 (Dkts. 408-108, 403).	Seal in full.	

Document or Portion of Document Sought to Be Sealed	Requested Action	Ruling
Exhibit 230 to the Declaration of Geoffrey Sigler (Dkt. 408), chart listing the random sample selected by the United Defendants, using RAT-STATS (Dkts. 408-130, 403).	Seal in full.	
Exhibit 16 to the Compendium (Dkt. 413), a true and correct copy of a spreadsheet bates numbered OBR000087 and produced by Ocean Breeze Recovery in response to a subpoena issued by the United Defendants in this action (Dkt. 413-16).	Seal in full.	
Exhibit 23 to the Compendium (Dkt. 413), a true and correct copy of a spreadsheet produced by Pathway to Hope in response to a subpoena issued by the United Defendants in this action, PTH000101 (Dkts. 413-23, 417-7).	Seal in full.	
Exhibit 27 to the Compendium (Dkt. 413), a true and correct copy of a spreadsheet produced by PCI West Lake Centers in response to a subpoena issued by the United Defendants in this action, PCI Confidential (Dkt. 413-27).	Seal in full.	
Exhibit 33 to the Compendium (Dkt. 413), a spreadsheet produced by South Miami Recovery Center in response to a subpoena issued by the United Defendants in this action on June 29, 2022 without bates numbers (Dkt. 413-33).	Seal in full.	
Exhibit 36 to the Compendium (Dkt. 413), a true and correct copy of a spreadsheet that was produced by Stepping Stone of San Diego in response to a subpoena issued by the United Defendants in this action on May 31, 2022 without bates numbers (Dkt. 413-36).	Seal in full.	
Exhibit 37 to the Compendium (Dkt. 413), a true and correct copy of a spreadsheet that was produced by Stepping Stone of San Diego in response to a subpoena issued by the United Defendants in this action on July 15, 2022 without bates numbers (Dkt. 413-37).	Seal in full.	
Undisputed Requests to Modify Extent of Sealing and/or Provisional Redactions		

Document or Portion of Document Sought to Be Sealed	Requested Action	Ruling
Plaintiffs' Exhibit 1, Expert Report of Research and Planning Consultants, January 24, 2024, at Attachment 5 (Dkts. 396-3, 397-2).	Portions to redact.	
Plaintiffs' Exhibit 2, Expert Report of Mark Hall, July 10, 2023 (Dkts. 396-4, 397-3).	Unseal.	
Plaintiffs' Exhibit 8, certified transcript of the Rule 30(b)(6) deposition of Summit Estate, by its designee Joan Borsten, taken in this matter on July 28, 2022, at 4:14, 16, 18, 20, 22, 24; 5:2, 4, 9, 12, 14-15, 17, 19-24; 6:2-3, 5-6, 8-12; 116:4; 136:8, 12; 139:19; 141:19; 142:18; 146:17; 164:5; 165:3; 166:19; 168:20; 170:18; 177:20; 179:14; 181:8; 188:17; 194:23; 197:6, 10; 202:11; 203:4, 20; 204:5, 9; 205:2, 14; 206:12; 208:3, 4, 10; 209:11; 210:10, 15, 20; 211:17; 213:16; 215:19; 217:20, 23; 218:6, 12, 19, 21, 22; 219:3; 220:17, 23; 222:11; 225:16, 19; 226:15; 228:18; 239:15, 17; 240:17; 241:8; 244:20, 23; 245:1, 9, 14, 25; 246:8, 15; 247:17; 248:4, 13; 249:13; 254:3, 6-7; 255:8; 268:12; 270:20; 271:2-3; 306:24-25; 321:1, 16; 322:15, 19; 323:17, 22, 25; 324:12, 22; 325:1, 7; 330:7; 333:2; 337:1 (Dkts. 396-10, 397-9).	Portions to redact.	
Plaintiffs' Exhibit 9, excerpts from the certified transcript of the deposition of Jolene Bradley taken in this matter on July 6, 2022, at 7:7, 7:9, 7:12, 158:23-159:4, 162:19, 165:1, 167:7, 169:14, 200:19, 170:13, 172:20, 197:1, 198:8, 200:19 (Dkts. 396-11, 397-10).	Portions to redact.	
Plaintiffs' Exhibit 10, certified transcript of the deposition of Radames Lopez taken in this matter on July 18, 2022, at 10:18-10:19 (Dkts. 396-12, 397-11).	Portions to redact.	
Plaintiffs' Exhibit 11, excerpts from the certified transcript of the 30(b)(6) deposition of Creyna Franco taken in this matter on July 28, 2022, at 4:10, 12, 14, 16, 18; 5: 2-6; 26:6, 8, 11; 46:8-9, 13; 53:17; 55:22; 61:12; 68:9, 89:1, 11; 96:8-9; 97:7; 99:6, 12; 103:9 (Dkts. 396-13, 397-12).	Portions to redact.	

Document or Portion of Document Sought to Be Sealed	Requested Action	Ruling
Plaintiffs' Exhibit 12, certified transcript of the deposition of Denise Strait taken in this matter on July 20, 2022, at 128:21, 131:5-6, 131:9 (Dkts. 396-14, 397-13).	Portions to redact.	
Plaintiffs' Exhibit 13, certified transcript of the deposition of named Plaintiff BW taken in this matter on June 9, 2022, at 1:18, 2:17, 5:3, 8:10, 9:11, 9:18, 12:20, 12:22, 12:24-25, 13:2, 15:18-19, 15:23, 52:21, 52:25, 63:5, 63:8, 63:12, 64:7, 68:5, 71:16, 72:16, 80:6, 80:11, 80:13-14, 80:20, 96:13-15, 98:14, 119:11, 178:19, 179:11, 222:15, 231:3, 231:25, 232:9, 233:2, 235:3, 237:5, 238:5, 240:2 (Dkt. 396-15).	Portions to redact.	
Plaintiffs' Exhibit 14, certified transcript of the deposition of Rebecca Paradise taken in this matter on July 13, 2022, at 311:20 (Dkts. 396-16, 397-14).	Portions to redact.	
Plaintiffs' Exhibit 21, Explanation of Benefits Statement, October 9, 2019, UHC000305947-5951, UHC000306250-6255, UHC000306453-6457, UHC000306795-6801, UHC000306909-6914, UHC000307846-7851, UHC000307254-7259, UHC000307127-7131, UHC000006726-6736, UHC000306331-6335, UHC000306056-6061, UHC000300772-0777, UHC000301177-1184, UHC000303164-3169, UHC000303443-3448 (Dkts. 396-23, 397-20)	Portions to redact.	
Plaintiffs' Exhibit 22, Provider Remittance Advice composite, PLD0000826-833, PLD0000942-943, PLD0000948-949, PLD0003160, PLD0003946, DCR0025-26 (Dkts. 396-24, 397-21)	Portions to redact.	
Plaintiffs' Exhibit 23, Patient Advocate Department letters, PLD0000001-04, PLD0003947-3958, PLD0003962-03967, PLD0003974-3980, PLD0001485-1495, PLD0002752- 2761, PLD0002790-2792, PLD0002848-2857 (Dkts. 396-25, 397-22)	Portions to redact.	

Document or Portion of Document Sought to Be Sealed	Requested Action	Ruling
Plaintiffs' Exhibit 24, Viant Explanations of Methodology Composite, MPI-0012126, UHC000070824-70825, UHC000070879 (Dkts. 396-26, 397-23)	Portions to redact.	
Plaintiffs' Exhibit 27, Non-IOP Explanations of Benefits and Provider Remittance Advices, UHC000005289-5292, PLD0000944-947, PLD0003147-3151, PLD0003155-3157 (Dkts. 396-29, 397-26)	Portions to redact.	
Plaintiffs' Exhibit 39, Summit Estate Appeal Letter, UBH000003011-13 (Dkts. 396-41, 397-38).	Portions to redact.	
Plaintiffs' Exhibit 52, 2020 Olson Email, UHC000091861-62, at UHC000091861 (Dkts. 396-53, 397-50).	Portions to redact.	
Plaintiffs' Exhibit 56, 2020 Tunnel Emails, UHC000091543-50, at UHC000091543-44, UHC000091546-49 (Dkts. 396-57, 397-54).	Portions to redact.	
Exhibit 71 to the Declaration of Rebecca Paradise (Dkt. 407), Opt-Out Process Facility Reasonable & Customary Reimbursement Formula Changes, UHC000207876-7877 (Dkts. 407-2, 415-12).	Unseal	
Exhibit 107 to the Declaration of Geoffrey Sigler (Dkt. 408), excerpts from the certified transcript of the deposition of Denise Strait taken in this matter on July 20, 2022, at 210:9-10, 210:13, 210:16-17 (Dkts. 408-7, 416-6).	Portions to redact.	
Exhibit 109 to the Declaration of Geoffrey Sigler (Dkt. 408), excerpts from the certified transcript of the deposition of Radames Lopez taken in this matter on July 18, 2022, at 10:18-10:19 (Dkts. 408-9, 419-7).	Portions to redact.	
Exhibit 123 to the Declaration of Geoffrey Sigler (Dkt. 408), document titled "Out-of-Network Affordability Programs: Tier 3: Facility Reasonable & Customary (FR&C)", UHC000300172-73 (Dkts. 408-23, 416-13).	Unseal.	

Document or Portion of Document Sought to Be Sealed	Requested Action	Ruling
Exhibit 138 to the Declaration of Geoffrey Sigler (Dkt. 408), excerpts from the certified transcript of the deposition of named Plaintiff BW taken in this matter on June 9, 2022, at 1:18, 2:17, 5:3, 8:10, 9:11, 9:18, 240:2. (Dkt. 421-1).	Portions to redact.	
Exhibit 146 to the Declaration of Geoffrey Sigler (Dkt. 408), excerpts from the certified transcript of the deposition of named Plaintiff RH taken in this matter on June 8, 2022, at 1:18, 2:19, 8:8, 9:10, and 9:15 (Dkts. 408-46, 416-28).	Portions to redact.	
Exhibit 155 to the Declaration of Geoffrey Sigler (Dkt. 408), excerpts from the certified transcript of the deposition of named Plaintiff LD taken in this matter on June 14, 2022, at 1:18, 2:17, 5:3, and 8:13 (Dkts. 408-55, 416-33).	Portions to redact.	
Exhibit 162 to the Declaration of Geoffrey Sigler (Dkt. 408), excerpts from the certified transcript of Volume I of the deposition of named Plaintiff DB taken in this matter on June 7, 2022, at 1:18 and 2:19 (Dkts. 421-2, 422-1).	Portions to redact.	
Exhibit 163 to the Declaration of Geoffrey Sigler (Dkt. 408), excerpts from the certified transcript of Volume II of the deposition of named Plaintiff DB taken in this matter on June 28, 2022, at 128:3 (Dkts. 408-63, 416-39).	Portions to redact.	
Exhibit 169 to the Declaration of Geoffrey Sigler (Dkt. 408), document introduced as Exhibit 11 to the deposition of named Plaintiff DB taken in this matter on June 28, 2022, PLTFIRSTPROD0000001-178 (Dkts. 408-69, 416-40).	Unseal, but maintain PHI/PII redactions.	
Exhibit 172 to the Declaration of Geoffrey Sigler (Dkt. 408), excerpts from the certified transcript of the deposition of named Plaintiff CJ taken in this matter on June 15, 2022, at 1:19, 2:1, 4:3 and 4:17 (Dkts. 421-3, 422-2).	Portions to redact.	

Document or Portion of Document Sought to Be Sealed	Requested Action	Ruling
Exhibit 185 to the Declaration of Geoffrey Sigler (Dkt. 408), Exhibit 16 (Article - Context4Healthcare Usual, Customary and Reasonable Fee) and Exhibit 17 (Context4Healthcare - UCR Fee Data) to the deposition of Robert L. Ohsfeldt taken in this matter on September 26, 2022 (Dkts. 408-85, 416-48).	Unseal	
Exhibit 189 to the Declaration of Geoffrey Sigler (Dkt. 408), excerpts from the certified transcript of Volume I of the Rule 30(b)(6) deposition of Summit Estate, by its designee Joan Borsten, taken in this matter on July 28, 2022, at 4:14, 4:16, 4:18, 4:20, 4:22, 4:24, 5:2, 5:4, 5:9, 5:12, 5:14-15, 5:17, 5:19-24, 6:2-3, 6:5-6, 6:8-12, and 194:23 (Dkts. 408-89, 416-50).	Portions to redact.	
Exhibit 227 to the Declaration of Geoffrey Sigler (Dkt. 408), presentation titled “JPMC Out- Of- Network Programs” produced by third-party plan sponsor JPMorgan Chase Bank, N.A., in this action in response to a subpoena by Plaintiffs, JPMorgan Chase_000130–000145 (Dkts. 408-127, 416-59).	Unseal.	
Exhibit 237 to the Declaration of Geoffrey Sigler (Dkt. 408), Responsive Expert Report of Daniel P. Kessler, September 26, 2023, at App’x B (Dkts. 408-137, 416-64).	Portions to redact.	
Third Expert Report of Daniel P. Kessler, March 10, 2023, at App’x B; App’x F (Dkts. 411, 415-25).	Portions to redact.	
Rebuttal Expert Report of Jessica Schmor, dated March 13, 2024, at selected redactions to Attachment 4, p. 2 (Dkts. 412, 415-26).	Portions to redact.	
Plaintiffs’ Reply in Support of Renewed Motion for Class Certification (Dkts. 426, 427-2).	Unseal.	
Plaintiffs’ Motion to Exclude Expert Opinions of Professor Daniel Kessler and Ms. Jessica Schmor (Dkts. 428, 429-2).	Unseal.	

Document or Portion of Document Sought to Be Sealed	Requested Action	Ruling
Plaintiffs' Proposed Order in Support of Motion to Exclude Expert Opinions of Professor Daniel Kessler and Ms. Jessica Schmor (Dkts. 428-1, 429-1).	Unseal.	
Defendants' Sur-reply in Opposition to Plaintiffs' Renewed Motion for Class Certification (Dkt. 435-3).	Unseal.	
Plaintiffs' Reply in Support of Motion to Exclude Expert Opinions of Professor Daniel Kessler and Ms. Jessica Schmor (Dkt. 432-1).	Unseal.	
Plaintiffs' Opposition to Defendants' Sur-reply (Dkts. 436, 437-2)	Unseal	
Plaintiffs' Exhibit 1 to Opposition to Sur-reply, excerpts from the certified transcript of the deposition of Dr. Brian Piper taken in this matter on May 16, 2024 (Dkts. 436-1, 437-3).	Unseal.	

IT IS SO ORDERED.

Dated: _____, 2024

Hon. Yvonne Gonzalez Rogers
United States District Judge